

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CONSUMER FINANCIAL  
PROTECTION BUREAU,

Plaintiff

v.

3:17-CV-101  
(Judge Mariani)

NAVIENT CORPORATION, et al.,

Defendants.

**SPECIAL MASTER ORDER #33**

Now, this 30th day of May, 2019, in accordance with decisions made during a conference call held on May 28, 2019, **IT IS HEREBY ORDERED THAT:**

1. Not later than **June 4, 2019**, Defendants shall produce to the Federal Deposit Insurance Corporation and any other pertinent bank regulators non-spreadsheet documents that have been withheld in part on the basis of the bank examination privilege, providing to the FDIC and any other pertinent bank regulators both the redacted and unredacted versions of the non-spreadsheet documents along with a request to the FDIC and any other pertinent bank regulators to advise Defendants whether the bank examination privilege that formed the basis for the redactions may be waived.
2. Not later than **June 4, 2019**, Defendants shall state the time necessary to produce redacted and unredacted spreadsheets to the FDIC and any other pertinent bank regulators for the purpose of determining whether the bank examination privilege that formed the basis for the redactions on the spreadsheets may be waived.
3. Not later than **May 31, 2019**, Defendants shall state whether they intend to seek *in camera* review of the 629 documents withheld, in whole or in part, by Plaintiff

based on the deliberative process privilege, as referenced during the May 28, 2019 conference call.

4. Supplemental and/or amended disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) and (e)(1) shall be made no later than **July 8, 2019**.
5. Defendants' request to strike Plaintiff's Fifth Supplemental and Amended Initial Disclosures (Doc. 304 at 4) is **DENIED**. Defendants may take the depositions of the four witnesses identified in Plaintiff's Fifth Supplemental and Amended Initial Disclosures and engage in any fact discovery related to those witnesses within the discovery deadline.
6. Plaintiff's request to extend the deadline for completion of fact discovery by two months and to extend other pre-trial deadlines by one month is **GRANTED**. Fact discovery shall close on **August 7, 2019**. Subsequent litigation deadlines shall be modified as follows:
  - a. All potentially dispositive motions shall be filed no later than **December 7, 2019**. If filing a motion for summary judgment, counsel shall provide the Court with a courtesy copy of that motion, supporting brief, and all accompanying exhibits. Counsel for the non-moving party shall also provide a courtesy copy of the brief in opposition to the motion for summary judgment and all accompanying exhibits.
  - b. Reports from Plaintiff's experts shall be due by **August 8, 2019**.
  - c. Reports from Defendants' experts shall be due by **September 9, 2019**.
  - d. Supplementation shall be due by **October 9, 2019**.
  - e. All expert witness discovery shall be commenced in time to be completed by **November 12, 2019**.
7. Objections to this Order must be submitted no later than 21 days after service of this Order.

s/ Thomas I. Vanaskie  
THOMAS I. VANASKIE  
SPECIAL MASTER